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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------|---------------------|------------------|
| 10/626,939 | 07/25/2003 | Roberto Gonzalez Gonzalez | 200208417-1 | 5401 |

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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/626,939 | Applicant(s) GONZALEZ ET AL. | |
| | Examiner Joseph C. Rodriguez | Art Unit 3653 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/19/05; 7/25/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 12-19, 21-24, 31-34 and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung (US 4,822,025).

Regarding claims 1-3, 5, 12-19, 21-22, 31-32, 34, 37, Chung (Fig. 1-6) teaches a printing apparatus for distributing print media comprising

an image-forming device (Fig. 2),

at least one input roller (Fig. 3, near 1) that transports the print media to a staging location (sheet supporting surface in 2) the accumulator,

an accumulator (guide 2; col. 3, ln. 23-32 teaching staging of several sheets prior to tray delivery wherein side brackets are capable of registering sheets during the pivoting movement) pivotable about an axis (8), the accumulator having a print media inlet (right fig. 4) and a print media outlet (left near trays in fig. 4),

an actuator (motor 6) configured to pivot the accumulator about the axis, and

a first output bin and a second output bin aligned to receive print media discharged from the accumulator; and the first output bin and the second output bin are stationary relative to the axis (Fig. 3-6, first and second bin can be regarded as any adjacent output trays).

Regarding claims 4, 33, Applicant is respectfully reminded that the material or article worked upon by the apparatus does not limit apparatus claims. See MPEP 2115. Thus, the surface area of the staging location can be regarded as less than the size of the print media.

Regarding claims 6, 9, Chung teaches a movable belt (Fig. 3, belt 10) having a protrusion (portion of belt surrounding driving roller 3) that indirectly engages the print media and dispenses the print media through the print media outlet and out of the accumulator.

Regarding claims 7, 8, 36, Chung teaches using a sensor to activate feed rollers and the actuator operable after a set number of sheets to coordinate the movement of print media through the accumulator (col. 2, ln. 65-col. 4, ln. 15), thus a controller coupled to the actuator can be regarded as inherent.

Regarding claims 23, 38, the accumulator is regarded as sized such that at least a first portion of a sheet of the print media is supported by the accumulator and at least a second portion of a sheet of the print media is supported by the first output bin during accumulation of the print media.

Regarding method claims 24-28, 30, the device cited above is regarded as anticipating the claimed method steps during the normal operation of the device (col. 2, ln. 65-col. 4, ln. 15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9, 10 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Mestre (US 3,356,362).

Chung as set forth above teaches all that is claimed except for expressly teaching a gear assembly for transferring rotational movement from the motor to the accumulator. Further, under an alternative interpretation, an engaging conveyor belt may not be taught. These features, however, are well known in the sheet feeding arts. For instance, Mestre teaches a pivotable accumulator with the claimed features (Fig. 1, gearing assembly; Fig. 3, protrusions 97; col. 4, ln. 20-63). Moreover, these features can be regarded as recognized equivalents to the features taught by Chung. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Chung with the gearing and conveyor features taught by Mestre as these features are art recognized equivalents. See MPEP 2144.06.

Claims 11, 20, 29 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Mandel et al. ("Mandel")(US 5,382,012).

Chung as set forth above teaches all that is claimed except for expressly teaching a registration roller that moves the print media against a registration wall to align an edge of the print media and a finishing device disposed inside the accumulator to perform a finishing operation on the print media. These features, however, are also well known in the sheet feeding arts. For instance, Mandel teaches a mailboxing sheet system with these features (Fig. 1-3; col. 5, ln. 40-55, col. 10, ln. 56-col. 12, ln. 24 teaching longitudinal and lateral registration using rollers and stapler 97 for compiling). Here, the steps of integrated, automated registration and compiling provide the common-sense benefit of saving the user time from performing a manual task. Moreover, Mandel expressly teaches that these features are applicable to a pivotal sheet stacker system as taught by Chung (col. 8, ln. 9-col. 9, ln. 12). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Chung as taught above.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see

<http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Alternatively, inquiries of a general nature or relating to the status of this application or proceeding can also be directed to the **Receptionist** whose telephone number is **571-272-6584** or to the Supervisory Examiner, Kathy Matecki, **571-272-6951**.

Signed by Examiner Joseph Rodriguez

jcr

March 2, 2006

A handwritten signature in black ink, appearing to be 'JR' with a long horizontal stroke extending to the right.